

REMARKS

New method claims 20-29 have been added. Entry of the above added claims is respectfully requested.

The action requires restriction of claims and election of species as follows:

I. The Examiner's Restriction Requirement

The Examiner has noted that this application contains claims directed to the following patentably distinct inventions:

Group I – Claims 1-5, drawn to a method of preserving a biopharmaceutical product; and

Group II – Claim 6-19, drawn to a tank and heat exchanger

Accordingly, the Examiner has required applicants to elect a single claimed invention for prosecution.

II. The Examiner's Election Requirement

The Examiner has also noted that this application contains claims directed to the following patentably distinct species of the claimed invention:

First species: Figures 1 and 2

Second species: Figure 4

Third species: Figure 5

Fourth species: Figure 6

Fifth species: Figure 7

Sixth species: Figure 8

Seventh species: Figure 9, (more than one, maybe)

Eighth species: Figure 10

Ninth species: Figures 11 and 12

Tenth species: Figure 13

Eleventh species: Figure 14; and

Twelfth species: Figure 15 and an in-determinant number of additional species illustrated in Figures 16-19

III. Applicant's Election of Invention and Species

Applicants provisionally elect to pursue prosecution of Group I (claims 1-5 and added claims 20-29) and the species corresponding to the First Species (Figures 1 and 2), and respectfully submit that claims 1-8 and 20-29 read on the species of Figures 1 and 2. Applicants respectfully submit that all of the claims are generic to the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, and twelveth (Figs. 15-20) species and respectfully submit that upon allowance of the generic claims, applicant is entitled to consideration of claims to the additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

IV. Applicant's Traversal

Applicants respectfully submit that the invention is directed to a method and apparatus for processing a biopharmaceutical product. Applicants respectfully submit that (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. Applicants respectfully traverse the requirement for restriction and election on the grounds that searching all of the embodiments of the invention would not be unduly burdensome and, in fact, would be necessary to ensure a complete search for a proper examination on the merits of any one of the identified species. It is further submitted that in order to provide a complete and exhaustive search of any of the species as grouped in the Office Action, the search should include the search directed to each of the other species as grouped in the Office Action. Furthermore, since the method claims mirror the apparatus claims, it would not be unduly burdensome to include all of the claims in the same application.

For the foregoing reasons, it is respectfully submitted that the restriction and election requirements should be withdrawn and an action on the merits of all of the claims is respectfully solicited. If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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